

December 11, 2007

**Update for the Release of Information for Communicable Disease
Investigations Rulemaking (9 A.A.C. Chapter 6, Article 1, R9-6-102)**

A.R.S. § 36-136(H)(1) states that the Arizona Department of Health Services (Department) shall “define and prescribe reasonably necessary measures for detecting, reporting, preventing, and controlling communicable and preventable diseases.” The current R9-6-102 addresses the release of protected health information to the Department if the information is requested for the purpose of detecting, preventing, or controlling disease, injury, or disability.

In investigating many types of communicable diseases, the Department may require information that does not meet the definition of protected health information and, thus, would not be covered under R9-6-102. For instance, in investigating a food-borne disease, the Department may require information from food suppliers or retail stores.

The Department is submitting a Notice of Docket Opening for a rulemaking that will expand the scope of the information that is required to be released to the Department or a local health agency when the Department or the local health agency is investigating a report of a communicable disease case or outbreak.

To keep interested persons informed about the rulemaking, the Department has established a web page for the rulemaking. Draft rules are posted on the Department’s website for informal public comment.

Stakeholders can communicate their issues and concerns to Ruthann Smejkal, Rules Analyst for the Department, by e-mail at smejkar@azdhs.gov, by phone at 602-364-1230, or by fax at 602-364-1150.